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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,488

09/15/2003

James L. Chappuis

050313-1100

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09/12/2007

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EXAMINER

PHILOGENE, PEDRO

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/662,488

Applicant(s)

CHAPPUIS, JAMES L.

Examiner

Pedro Philogene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4,6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardinge (2,406,832).

Hardinge discloses a plate comprising first plate member having a first mount and a first support member extending from the first mount; a second plate member having a second mount and second support extending from the second mount; a plurality of apertures disposed in the first mount and the second mount, a stop (13,14,15,16,17,18) disposed on the first plate member, as best seen in FIGS.1-3, wherein the first support member has a plurality of apertures (14) positioned along a length thereof, and the stop (15,18) is operative to be inserted into a selected one of the aperture, as best seen in FIG.3; wherein the first support member and the second support member are adapted to engage each other in an axially adjustable manner, with the first support member being sized and shaped such that at least a portion thereof is receivable within a channel in the second support member, and the stop is adapted to limit such axial adjustment by being mounted to the first support member and extending outwardly therefrom such that, as the first support member is inserted into the channel in the second support member and axially adjusted to draw said first mount and said second mount toward each other, further axial adjustment of the first

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mount and the second mount toward each other is prevented upon the stop contacting an end of the second support member; wherein the stop permits axial adjustment of the first mount and the second mount away from each other; as set forth in column 2, lines 5-55, column 3, lines 1-65.

Claims 4,6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Haboush (3,547,114).

Haboush discloses a plate comprising first plate member having a first mount and a first support member extending from the first mount 13a; a second plate member (20) having a second mount and second support extending from the second mount; a plurality of apertures disposed in the first mount and the second mount, a stop (22) disposed on the first plate member, as best seen in FIGS.1-6, wherein the first support member has a plurality of apertures (19) positioned along a length thereof, and the stop (22) is operative to be inserted into a selected one of the aperture; as best seen in FIG.5; wherein the first support member and the second support member are adapted to engage each other in an axially adjustable manner, with the first support member being sized and shaped such that at least a portion thereof is receivable within a channel in the second support member, and the stop is adapted to limit such axial adjustment by being mounted to the first support member and extending outwardly therefrom such that, as the first support member is inserted into the channel in the second support member and axially adjusted to draw said first mount and said second mount toward each other, further axial adjustment of the first mount and the second mount toward each other is prevented upon the stop contacting an end of the second

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support member; wherein the stop permits axial adjustment of the first mount and the second mount away from each other; as set forth in column 1, lines 69-70, column 2, lines 1-40 and as best seen in FIGS.1-6.

### ***Response to Amendment***

Applicant's arguments, see Remarks, filed 6/26/07, with respect to the rejection(s) of claim(s) 4-7 under 102 have been fully considered and are not persuasive. first, applicant stated that the stop is 13, however, the stop of Hardinge is (15) as stated in column 3, lines 17-50. Second, applicant stated that the "stop is adapted to limit such axial adjustment by being mounted to and retained by the first support member and extending outwardly therefrom". Since applicant is only claiming that the stop is "adapted to" then the stop of Hardinge is adapted to or capable of limit(ing) axial adjustment. Therefore, the device of Hardinge meets all the limitations, as claimed by applicant. This action is made final.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

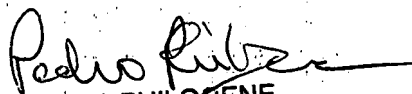
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272 - 4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene  
August 27, 2007

  
PEDRO PHILOGENE  
PRIMARY EXAMINER